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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 SHAMARICA D. SCOTT et al.,

8 Plaintiff (s),

9 v.

10 THE EVERGREEN STATE
11 COLLEGE et al.,

12 Defendant (s).

CASE NO.
3:17-cv-05823-BHS

MINUTE ORDER REGARDING
DISCOVERY AND DEPOSITIONS

13 NOW, on October 16, 2017, the Court directs the Clerk to enter the following
14 Minute Order:

15 **1. DISCOVERY.** All discovery matters should be resolved by agreement if
16 possible. If a ruling is needed on any discovery question, and counsel wish to avoid
17 the time and expense of a written motion, they may obtain an expedited ruling through
18 a telephone conference call to the Court at (253) 882-3850.

19 **2. DEPOSITIONS.** Depositions will be conducted in compliance with the
20 following rules:

21 **(a) Examination.** If there are multiple parties, each side should ordinarily
22 designate one attorney to conduct the main examination of the deponent, and any
23 questioning by other counsel on that side should be limited to matters not previously
24 covered.

25 **(b) Objections.** The only objections that should be raised at the deposition
26 are those involving a privilege against disclosure, or some matter that may be remedied if

1 presented at the time (such as the form of the question or the responsiveness of the
2 answer), or that the question seeks information beyond the scope of discovery.
3 Objections on other grounds are unnecessary and should be avoided. All objections
4 should be concise and must not suggest answers to, or otherwise coach, the deponent.
5 Argumentative interruptions will not be permitted.

6 **(c) Directions Not to Answer.** Directions to the deponent not to answer
7 are improper. Advice not to answer may be appropriate on the ground of privilege or
8 to enable a party or deponent to present a motion to the Court or special master for
9 termination of the deposition on the ground that it is being conducted in bad faith or
10 in such a manner as unreasonably to annoy, embarrass or oppress the party or the
11 deponent, or for appropriate limitations upon the scope of the deposition (e.g., on the
12 ground that the line or inquiry is not relevant nor reasonably calculated to lead to the
13 discovery of admissible evidence). When a privilege is claimed, the witness should
14 nevertheless answer questions relevant to the existence, extent or waiver of the
15 privilege, such as the date of the communication, who made the statement in question,
16 to whom and in whose presence the statement was made, other persons to whom the
17 contents of the statement have been disclosed, and the general subject matter
18 of the statement.

19 **(d) Responsiveness.** Witnesses will be expected to answer all questions
20 directly and without evasion, to the extent of their testimonial knowledge, unless they
21 choose to follow the advice of counsel not to answer.

22 **(e) Private Consultation.** Private conferences between deponents and
23 their attorneys during the actual taking of the deposition are improper, except for the
24 purpose of determining whether a privilege should be asserted. Unless prohibited by the
25 Court for good cause shown, such conferences may, however, be held during normal
26 recesses and adjournments.

(f) Conduct of Examining Counsel. Examining counsel will refrain from asking questions he or she knows to be beyond the legitimate scope of discovery, and from undue repetition.

(g) Courtroom Standard. All counsel and parties should conduct themselves in depositions with the same courtesy and respect for the rules that are required in the courtroom during trial.

3. RESPONSIBILITY OF PLAINTIFF'S COUNSEL. This order is issued at the outset of the case, and a copy is delivered by the clerk to counsel for Plaintiff.

Plaintiff's counsel (or Plaintiff, if pro se) is directed to deliver a copy of this order to each other party within ten (10) days after receiving notice of that party's appearance.

The foregoing Minute Order was authorized by the THE HONORABLE
BENJAMIN H. SETTLE, UNITED STATES DISTRICT JUDGE.

/s/Trish Graham
Trish Graham
Judicial Assistant